

### **REMARKS**

Claims 1 – 18 are now pending in the application. Minor amendments have been made to the specification and claims to simply overcome the objections to the specification and rejections of the claims under 35 U.S.C. § 101. The amendments to the claims contained herein are of equivalent scope as originally filed and, thus, are not a narrowing amendment. The Examiner is respectfully requested to reconsider and withdraw the rejection(s) in view of the amendments and remarks contained herein.

### **REJECTION UNDER 35 U.S.C. § 101**

Claims 1 – 18 stand rejected under 35 U.S.C. § 101. As applicants understand it, the basis for this rejection is that the claims fail to include in the body of the claims any positive recitation of the use a technological device to perform the various steps recited by the claims. Applicants have amended each of the independent claims (and certain of the dependent claims as appropriate) to include in the body of the claim a recitation(s) directed to a computer system and its use to perform various of the steps recited in the claims. Applicants submit that the claims now satisfy the requirements of § 101.

### **REJECTION UNDER 35 U.S.C. § 103**

Claims 1 – 18 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Borghesi et al. (U.S. Pat. No. 5,950,169) in view of Apte et al. (U.S. Pat. No. 5,970,464). Applicants respectfully traverse this rejection.

Claims 1 and 10 are the independent claims. They each require (as amended) that the computer system uses at least one repair claim-related premise to determine whether a preselected repair claim-related action should be executed based on received repair claim data. The Examiner, acknowledging that Borghesi et al does not disclose these limitations, takes the position that such features are known in the art, citing to Apte et al. (col. 3, lines 5 – 33; col. 9, lines 4 - 28). Applicants submit that Apte et al. fails to disclose such features. Apte et al. is directed to data mining based underwriting profitability analysis. Col. 3, lines 5 – 33 of Apte et al. discuss "running a data mining process on data in a data warehouse to "extract rules for statistically distinct subpopulations with homogenous pure premium characteristics based upon stand technology . . . ." [Apte et al., col. 3, lines 20 – 28]. Apte et al. then goes on to discuss that a "business analysis client 201 receives data from the data mining server kernel 102, and the risk group defined by the book of business is segmented into distinct segments by utilizing the pure premium rules extracted by data mining and historical claims and policy data. This generates several outputs. For example, a marketing output 202 might identify new opportunities, an actuarial output 203 might be an estimation of improved profitability, and an underwriting output 204 might suggest enhanced exception management." [Apte et al., col. 3, lines 34 – 43] This section of Apte et al. fails to disclose, however, that any rules pertain to repair claim processing, let alone vehicle repair claim processing, and there is no discussion that the rules include repair claim related premises or that the computer system uses at least one of the repair claim related premises to determine a whether a pre-selected repair claim-related action should be executed.

Amended claims 1 and 10 further require generating a claim-related response based on said preselected repair claim-related action. The Examiner further cites to Col. 9, lines 4 – 28 of Apte et al. as disclosing using the preselected repair claim-related action to generate a repair claim-related response. This section discusses the flow diagram of Fig. 14, which is a flow diagram of the client/server scenario analysis process. [Apte, col. 9, lines 4, 5] The scenario analysis subsystem allows a user to determine the value of a P & C insurance product by specifying it to the system, and having the system provide critical business information about the product, segment by segment. While Fig. 14 references testing a selected rule to a selected data set, it does so in the context of segmenting a specified data set by eligibility criteria and a rule set. As discussed in Apte:

FIG. 14 is the flow diagram of the client/server scenario analysis process. The user specified data set, rule set, and product eligibility data are input in function block 1601. This is done by accessing local rule sets in client store 1602, rule sets in server store 1603 and meta-data in meta-data store 1604. The specified data set is segmented by eligibility criteria and the rule set in function block 1605. This is done by accessing data in server data store 1606 and making a call to the server to test the selected rule set to a selected data set in function block 1607. This is done by accessing data from the client local store 1602, the server store 1603, the meta-data store 1604 and the data store 1606. Then, in function block 1608, the segmentation table is displayed. The user is given three choices in user selection block 1609. The user can either select a column in selection block 1610, select a row in selection block 1611, or select a column in selection block 1612. If the user selects a column in selection block 1610, the table is resorted in function block 1613 and a return is made to function block 1607 to display the resorted table if the user selects a row, the rule editor on the rule is called in function block 1614 and a return is made to function block 1608. If the user selects a column in selection block 1612, the rule editor on eligibility criteria is called in function block 1615 and a return is made to function block 1608.

The scenario analysis result will first report on the gross statistics on how the product rule set covered the database, and within this coverage, using the base model, will be a detailed segmentation report

that breaks down the coverage into individual segments, listed by the segments' coverage, percentage coverage, severity estimate, frequency estimate, pure premium, loss ratio, and other entries that may be of interest. In addition, the screen will permit the table to be sorted by any of these columns. This "what-if" style scenario analysis will assist the users to identify problems and opportunities with existing as well as new P&C products. [Apte et al., col. 9, lines 4 – 39]

There is no discussion, however, that any rules pertain to repair claim processing and that a response is generated based on a preselected repair claim-related action.

Amended claims 1 and 10 further require that the claim expert rules are accessible by the user in a high level computer expression format. The Examiner cites Borghesi et al., Col. 7, lines 54 – 67 to col. 8, lines 2 as disclosing this limitation. Applicants respectfully disagree. This section of Borghesi et al. discloses a graphic user interface that allows an authorized user to control claims processing work flow for one or more insurance datafiles. This GUI permits a user to enter and retrieve information from a datafile, execute tasks involved in claims processing such as manipulating a plurality of claim datafiles, opening specific claim data file and working on estimate calculations or corresponding related to the open file. The GUI also provides for communicating with repair facilities and insurance company staff. There is, however, no discussion that the GUI makes repair expert claim rules available to a user, let alone in a high level computer expression format. While this section does discuss that the GUI can be constructed using known software tools and languages such as VISUAL C++, RATIONAL ROSE and IBM CUA Library, this deals with the programming language used to program the GUI, not making claim expert rules accessible to a user.

For these reasons, applicants submit that amended claims 1 and 10 are allowable over Borghesi et al. in view of Apte et al.

The remaining claims depend, directly or indirectly, from one of amended independent claims 1 and 10, and are allowable for at least that reason.

**CONCLUSION**

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action, and as such, the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested.

Respectfully submitted,

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